

IN RE: PETITION FOR ZONING VARIANCE  
E/S Bedford Avenue, 45.02' N  
of the c/l of McHenry Avenue  
3rd Election District  
2nd Councilmanic District  
Tripec Assoc. Ltd. Partnership  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 88-435-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 220 parking spaces in lieu of the required 249 spaces, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Jeffrey Pechter, Vice President, appeared, testified, and was represented by Counsel, Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition was Mickey Cornelius, of The Traffic Group. Jeffrey Levin appeared on behalf of the Pikesville Community Growth Corporation (PGCG) as an interested party.

At the onset of the hearing, the Petitioner indicated that as a result of the new parking regulations which became effective on May 26, 1988 pursuant to County Council Bill No. 26-88, a recalculation of the parking needs for this project revealed that 229 spaces will be required in lieu of the 249 spaces noted on the instant Petition. Accordingly, the Petitioner requests a variance of 220 spaces in lieu of the required 229.

Testimony indicated that the subject property, which consists of 3.95 acres more or less, is zoned B.L.-C.C.C., and is the site of a recently completed retail, restaurant, medical, and office space complex known as Club Centre, located off of Reisterstown Road and McHenry Avenue. Testimony indicated that the Petitioner now proposes leasing some of the retail space to include a restaurant/cafe in the complex and as a result, more

parking spaces than originally requested are needed to meet the requirements of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner contends that in light of the nominal variance and mixed uses which will result in many of the patrons frequenting more than one business, the variance requested will not cause a parking problem and/or result in substantial detriment to the safety, health or welfare of the general public. The Petitioner contends that it will suffer practical difficulty and unreasonable hardship if the variance is not granted.

Mr. Cornelius testified that the parking needs under the new parking regulations will result in only 229 parking spaces being required. To support his testimony, Mr. Cornelius introduced as Petitioner's Exhibit 3 his method of calculation. He further testified that based upon his experience, the 220 parking spaces proposed are more than adequate as the project promotes shared parking and mixed uses.

Mr. Levin testified that the Pikesville community does not oppose the requested variance provided the Petitioner is willing to procure the additional spaces required if spaces became available in any County Revenue lot built within walking distance to the proposed project. At the hearing, Petitioner's counsel argued that the request made by PGCG was unreasonable in light of there being numerous other parking variances for restaurants in the area that were supported by PGCG and the lack of any substantive evidence indicating that the instant variance would result in parking problems.

Subsequent to the hearing, both PGCG and the Petitioner entered into an agreement which resolved their differences concerning Petitioner's request and forwarded a copy of same to this office for incorporation in the file.

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The Petitioners seek relief from Section 409.6B.3, pursuant to Section 307 of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. Despite the request made by both parties, the Deputy Zoning Commissioner is not going to incorporate the agreement between the parties as a restriction to this Order as the testimony presented meets Petitioner's burden of proof for granting the variance and it is felt that the Zoning Enforcement Office is not the proper method by which to enforce the detailed agreement entered into between the parties. If either party deems it necessary, they are free to pursue their civil remedies.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of July, 1988 that the Petition for Zoning Variance to permit 220 parking spaces in lieu of the required 229, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Ann M. Nastarowicz  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

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#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 409.B.(3), (4), & (6) to permit 220 parking spaces in lieu of the required 249 spaces

MAP	207 PF
E.D.	378
DATE	10/27/88
CD	BF
1000	BF
DP	

to be determined at the hearing

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	c/o JHP Development Co., Inc.
John B. Howard	908 York Road
(Type or Print Name)	823-5151
Signature	Address
Signature Jack H. Pechter, General Partner	Towson, Maryland 21204
Address	City and State
210 Allegheny Avenue	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204	John B. Howard
City and State	210 Allegheny Avenue
Attorney's Telephone No.: 823-4111	Towson, Maryland 21204 823-4111
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of August, 1988, at 9 o'clock A.M.

(over)

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

July 27, 1988



John B. Howard, Esquire  
Robert A. Hoffman, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
E/S Bedford Avenue, 45.02' N of the c/l of McHenry Avenue  
3rd Election District; 2nd Councilmanic District  
Tripec Associates Ltd. Partnership - Petitioner  
Case No. 88-435-A

Dear Messrs. Howard & Hoffman:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3351.

Very truly yours,

Ann M. Nastarowicz  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

Enclosure  
cc: Mr. Jeffrey Levin, President  
Pikesville Community Growth Corporation  
1401 Reisterstown Road, Baltimore, Md. 21208  
People's Counsel  
File

HYDROGRAPHY  
TOPOGRAPHY  
GEODESY

LEO W. RADER  
REGISTERED SURVEYOR

SUBDIVISION  
ENGINEERING  
TITLE SURVEYS  
LAND PLANNING

38 Belfast Road - Timonium, Maryland 21093

CL 2-2920 ON  
232-2920

CLUB CENTRE  
DESCRIPTION TO ACCOMPANY A PETITION FOR  
A PARKING VARIANCE.

January 6, 1988

BEGINNING for the same on the east side of Bedford Avenue at a point distant North 6 degrees 01 minute 22 seconds West 45.02 feet from the centerline of McHenry Avenue (60 feet wide), said place of beginning being at Baltimore County Metropolitan District Grid System position North 28686.52 West 31453.38, thence by meridian of said grid North 6 degrees 01 minute 22 seconds West 244.48 feet, by a line curving to the left with a radius of 250.00 feet for a distance of 144.14 feet (the chord of said curving line bearing North 22 degrees 32 minutes 23 seconds West 142.15 feet), by a line curving to the right with a radius of 150.00 feet for a distance of 60.29 feet (the chord of said curving line bearing North 65 degrees 09 minutes 15 seconds East 59.88 feet), South 87 degrees 41 minutes 00 seconds East 33.86 feet, North 70 degrees 38 minutes 21 seconds East 106.48 feet, North 80 degrees 49 minutes 40 seconds East 26.70 feet, South 89 degrees 24 minutes 39 seconds East 114.58 feet, North 71 degrees 58 minutes 21 seconds East 59.97 feet, South 44 degrees 37 minutes 45 seconds East 18.45 feet, South 42 degrees 01 minute 39 seconds East 80.81 feet, South 46 degrees 55 minutes 21 seconds West 150.11 feet, South 47 degrees 58 minutes 21 seconds West 10.00 feet, South 42 degrees 01 minute 39 seconds East 123.46 feet, South 33 degrees 55 minutes 39 seconds East 110.50 feet, South 71 degrees 37 minutes 46 seconds West 177.24 feet, by a line curving to the right with a radius of 970.00 feet for a distance of 176.16 feet (the chord of said curving line bearing South 76 degrees 49 minutes 56 seconds West 175.92 feet), South 82 degrees 02 minutes 05 seconds West 45.29 feet, and North 51 degrees 59 minutes 35 seconds West 20.85 feet to the place of beginning.

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 4-11-88  
Posted for: Variances  
Petitioner: Tripec Assoc. Ltd. Partnership  
Location of property: E/S of Bedford Ave. 45.02' N of the  
c/l of McHenry Ave.  
Location of Sign: 1 sign west side of Reisterstown Road, opposite S.D. Smith  
of "Club Centre" and sign NE corner of McHenry  
Remarks: and Bedford Avenue  
Posted by: J. Robert Haines Date of return: 4-15-88  
Number of Signs: 2

#### "DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., April 7, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 7, 1988

THE JEFFERSONIAN,

Susan Sander O'Connell  
Publisher

#33.75

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petition for Zoning Variance  
Case number: 88-435-A  
E/S Bedford Avenue, 45.02' N of McHenry Avenue  
3rd Election District  
2nd Councilmanic District  
Petitioner: Tripec Assoc. Ltd. Partnership  
Hearing on: Tuesday  
April 26, 1988 at 9:00 a.m.  
Variance to permit 220 parking spaces in lieu of the required 249 spaces.  
In the event that the Petition is granted, a building permit may be issued within the forty (40) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period in good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
4019 Apr. 7.



Mills-Glyndon Coordinating Council will be on the second Monday of the month rather than the first. R.O.G. will meet on Apr. 11 at St. Anne's Episcopal Church Parish Hall on Chaseworth Ave. in Reisterstown at 8 p.m. sharp. The public is invited to attend these meetings where concerns of the communities are discussed and positions taken on issues that affect our neighborhoods. This is an umbrella agency composed of representatives of various civic groups, service clubs, churches and other organizations in our area.

#### Young Soloists' Audition At CCC

Young performers (ages 11-15) in piano, singing, woodwinds and brass are invited to demonstrate their talent in the sixth annual Young Soloists Audition sponsored by the Fine & Performing Arts Center of Calverton Community College, on May 7 and 8. The competition is designed to encourage the development of young performing artists in western Baltimore and surrounding areas. First prize winner will receive \$125, the second \$100, and third \$75. In addition, there will be two \$50 prizes offered as special awards to new winners. Winners will be presented in a free public concert at CCC during the 1988-89 season. An honorable mention certificate will be presented to those outstanding applicants who do not reach final auditions. All participants will receive critiques from the judges. Applications and \$20 entry fee must be postmarked by Monday, Apr. 11. Info: 455-4429.

#### LEGAL NOTICE

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations, is hereby giving notice to the public that it will hold a public hearing on the following proposed zoning change: 88-435-A, 88-435-B, 88-435-C, 88-435-D, 88-435-E, 88-435-F, 88-435-G, 88-435-H, 88-435-I, 88-435-J, 88-435-K, 88-435-L, 88-435-M, 88-435-N, 88-435-O, 88-435-P, 88-435-Q, 88-435-R, 88-435-S, 88-435-T, 88-435-U, 88-435-V, 88-435-W, 88-435-X, 88-435-Y, 88-435-Z, 88-435-AA, 88-435-AB, 88-435-AC, 88-435-AD, 88-435-AE, 88-435-AF, 88-435-AG, 88-435-AH, 88-435-AI, 88-435-AJ, 88-435-AL, 88-435-AM, 88-435-AN, 88-435-AO, 88-435-AP, 88-435-AQ, 88-435-AR, 88-435-AS, 88-435-AT, 88-435-AU, 88-435-AV, 88-435-AW, 88-435-AX, 88-435-AY, 88-435-AZ, 88-435-BA, 88-435-BB, 88-435-BC, 88-435-BD, 88-435-BE, 88-435-BF, 88-435-BG, 88-435-BH, 88-435-BI, 88-435-BJ, 88-435-BL, 88-435-BM, 88-435-BN, 88-435-BO, 88-435-BP, 88-435-BQ, 88-435-BR, 88-435-BS, 88-435-BT, 88-435-BU, 88-435-BV, 88-435-BW, 88-435-BX, 88-435-BY, 88-435-BZ, 88-435-CA, 88-435-CB, 88-435-CC, 88-435-CD, 88-435-CE, 88-435-CF, 88-435-CG, 88-435-CH, 88-435-CI, 88-435-CJ, 88-435-CL, 88-435-CM, 88-435-CN, 88-435-CO, 88-435-CP, 88-435-CQ, 88-435-CR, 88-435-CS, 88-435-CT, 88-435-CU, 88-435-CV, 88-435-CW, 88-435-CX, 88-435-CY, 88-435-CZ, 88-435-DA, 88-435-DB, 88-435-DC, 88-435-DD, 88-435-DE, 88-435-DF, 88-435-DG, 88-435-DH, 88-435-DI, 88-435-DJ, 88-435-DL, 88-435-DM, 88-435-DN, 88-435-DO, 88-435-DP, 88-435-DQ, 88-435-DR, 88-435-DS, 88-435-DT, 88-435-DU, 88-435-DV, 88-435-DW, 88-435-DX, 88-435-DY, 88-435-DZ, 88-435-EA, 88-435-EB, 88-435-EC, 88-435-ED, 88-435-EE, 88-435-EF, 88-435-EG, 88-435-EH, 88-435-EI, 88-435-EJ, 88-435-EL, 88-435-EM, 88-435-EN, 88-435-EO, 88-435-EP, 88-435-EQ, 88-435-ER, 88-435-ES, 88-435-ET, 88-435-EU, 88-435-EV, 88-435-EW, 88-435-EX, 88-435-EY, 88-435-EZ, 88-435-FA, 88-435-FB, 88-435-FC, 88-435-FD, 88-435-FE, 88-435-FF, 88-435-FG, 88-435-FH, 88-435-FI, 88-435-FJ, 88-435-FL, 88-435-FM, 88-435-FN, 88-435-FO, 88-435-FP, 88-435-FQ, 88-435-FR, 88-435-FS, 88-435-FT, 88-435-FU, 88-435-FV, 88-435-FW, 88-435-FX, 88-435-FY, 88-435-FZ, 88-435-GA, 88-435-GB, 88-435-GC, 88-435-GD, 88-435-GE, 88-435-GF, 88-435-GG, 88-435-GH, 88-435-GI, 88-435-GJ, 88-435-GL, 88-435-GM, 88-435-GN, 88-435-GO, 88-435-GP, 88-435-GQ, 88-435-GR, 88-435-GS, 88-435-GT, 88-435-GU, 88-435-GV, 88-435-GW, 88-435-GX, 88-435-GY, 88-435-GZ, 88-435-HA, 88-435-HB, 88-435-HC, 88-435-HD, 88-435-HE, 88-435-HF, 88-435-HG, 88-435-HH, 88-435-HI, 88-435-HJ, 88-435-HL, 88-435-HM, 88-435-HN, 88-435-HO, 88-435-HP, 88-435-HQ, 88-435-HR, 88-435-HS, 88-435-HT, 88-435-HU, 88-435-HV, 88-435-HW, 88-435-HX, 88-435-HY, 88-435-HZ, 88-435-IA, 88-435-IB, 88-435-IC, 88-435-ID, 88-435-IE, 88-435-IF, 88-435-IG, 88-435-IH, 88-435-II, 88-435-IL, 88-435-IM, 88-435-IN, 88-435-IO, 88-435-IP, 88-435-IQ, 88-435-IR, 88-435-IS, 88-435-IT, 88-435-IU, 88-435-IV, 88-435-IW, 88-435-IX, 88-435-IY, 88-435-IZ, 88-435-JA, 88-435-JB, 88-435-JC, 88-435-JD, 88-435-JE, 88-435-JF, 88-435-JG, 88-435-JH, 88-435-JI, 88-435-JJ, 88-435-JL, 88-435-JM, 88-435-JN, 88-435-JO, 88-435-JP, 88-435-JQ, 88-435-JR, 88-435-JS, 88-435-JT, 88-435-JU, 88-435-JV, 88-435-JW, 88-435-JX, 88-435-JY, 88-435-JZ, 88-435-KA, 88-435-KB, 88-435-KC, 88-435-KD, 88-435-KE, 88-435-KF, 88-435-KG, 88-435-KH, 88-435-KI, 88-435-KJ, 88-435-KL, 88-435-KM, 88-435-KN, 88-435-KO, 88-435-KP, 88-435-KQ, 88-435-KR, 88-435-KS, 88-435-KT, 88-435-KU, 88-435-KV, 88-435-KW, 88-435-KX, 88-435-KY, 88-435-KZ, 88-435-LA, 88-435-LB, 88-435-LC, 88-435-LD, 88-435-LE, 88-435-LF, 88-435-LG, 88-435-LH, 88-435-LI, 88-435-LJ, 88-435-LK, 88-435-LM, 88-435-LN, 88-435-LO, 88-435-LP, 88-435-LQ, 88-435-LR, 88-435-LS, 88-435-LT, 88-435-LU, 88-435-LV, 88-435-LW, 88-435-LX, 88-435-LY, 88-435-LZ, 88-435-MA, 88-435-MB, 88-435-MC, 88-435-MD, 88-435-ME, 88-435-MF, 88-435-MG, 88-435-MH, 88-435-MI, 88-435-MJ, 88-435-ML, 88-435-MN, 88-435-MO, 88-435-MP, 88-435-MQ, 88-435-MR, 88-435-MS, 88-435-MT, 88-435-MU, 88-435-MV, 88-435-MW, 88-435-MX, 88-435-MY, 88-435-MZ, 88-435-NA, 88-435-NB, 88-435-NC, 88-435-ND, 88-435-NE, 88-435-NF, 88-435-NG, 88-435-NH, 88-435-NI, 88-435-NJ, 88-435-NK, 88-435-NL, 88-435-NM, 88-435-NN, 88-435-NO, 88-435-NP, 88-435-NQ, 88-435-NR, 88-435-NS, 88-435-NT, 88-435-NU, 88-435-NV, 88-435-NW, 88-435-NX, 88-435-NY, 88-435-NZ, 88-435-OA, 88-435-OB, 88-435-OC, 88-435-OD, 88-435-OE, 88-435-OF, 88-435-OG, 88-435-OH, 88-435-OI, 88-435-OJ, 88-435-OK, 88-435-OL, 88-435-OM, 88-435-ON, 88-435-OO, 88-435-OP, 88-435-OQ, 88-435-OR, 88-435-OS, 88-435-OT, 88-435-OU, 88-435-OV, 88-435-OW, 88-435-OX, 88-435-OY, 88-435-OZ, 88-435-PA, 88-435-PB, 88-435-PC, 88-435-PD, 88-435-PE, 88-435-PF, 88-435-PG, 88-435-PH, 88-435-PI, 88-435-PJ, 88-435-PK, 88-435-PL, 88-435-PM, 88-435-PN, 88-435-PO, 88-435-PP, 88-435-PQ, 88-435-PR, 88-435-PS, 88-435-PT, 88-435-PU, 88-435-PV, 88-435-PW, 88-435-PX, 88-435-PY, 88-435-PZ, 88-435-QA, 88-435-QB, 88-435-QC, 88-435-QD, 88-435-QE, 88-435-QF, 88-435-QG, 88-435-QH, 88-435-QI, 88-435-QJ, 88-435-QL, 88-435-QM, 88-435-QN, 88-435-QO, 88-435-QP, 88-435-QL, 88-435-QM, 88-435-QN, 88-435-QO, 88-435-QP, 88-435-QQ, 88-435-QR, 88-435-QS, 88-435-QT, 88-435-QU, 88-435-QV, 88-435-QW, 88-435-QX, 88-435-QY, 88-435-QZ, 88-435-RA, 88-435-RB, 88-435-RC, 88-435-RD, 88-435-RE, 88-435-RF, 88-435-RG, 88-435-RH, 88-435-RI, 88-435-RJ, 88-435-RK, 88-435-RL, 88-435-RM, 88-435-RN, 88-435-RO, 88-435-RP, 88-435-RQ, 88-435-RR, 88-435-RS, 88-435-RT, 88-435-RU, 88-435-RV, 88-435-RW, 88-435-RX, 88-435-RY, 88-435-RZ, 88-435-SA, 88-435-SB, 88-435-SC, 88-435-SD, 88-435-SE, 88-435-SF, 88-435-SG, 88-435-SH, 88-435-SI, 88-435-SJ, 88-435-SK, 88-435-SL, 88-435-SM, 88-435-SN, 88-435-SO, 88-435-SP, 88-435-SQ, 88-435-SR, 88-435-SS, 88-435-ST, 88-435-SU, 88-435-SV, 88-435-SW, 88-435-SX, 88-435-SY, 88-435-SZ, 88-435-TA, 88-435-TB, 88-435-TC, 88-435-TD, 88-435-TE, 88-435-TF, 88-435-TG, 88-435-TH, 88-435-TI, 88-435-TJ, 88-435-TK, 88-435-TL, 88-435-TM, 88-435-TN, 88-435-TO, 88-435-TP, 88-435-TQ, 88-435-TR, 88-435-TS, 88-435-TT, 88-435-TU, 88-435-TV, 88-435-TW, 88-435-TX, 88-435-TY, 88-435-TZ, 88-435-UA, 88-435-UB, 88-435-UC, 88-435-UD, 88-435-UE, 88-435-UF, 88-435-UG, 88-435-UH, 88-435-UI, 88-435-UJ, 88-435-UK, 88-435-UL, 88-435-UM, 88-435-UN, 88-435-UO, 88-435-UP, 88-435-UQ, 88-435-UR, 88-435-US, 88-435-UT, 88-435-UY, 88-435-UZ, 88-435-VA, 88-435-VB, 88-435-VC, 88-435-VD, 88-435-VE, 88-435-VF, 88-435-VG, 88-435-VH, 88-435-VI, 88-435-VJ, 88-435-VK, 88-435-VL, 88-435-VM, 88-435-VN, 88-435-VO, 88-435-VP, 88-435-VQ, 88-435-VR, 88-435-VS, 88-435-VT, 88-435-VU, 88-435-VV, 88-435-VW, 88-435-VX, 88-435-VY, 88-435-VZ, 88-435-WA, 88-435-WB, 88-435-WC, 88-435-WD, 88-435-WE, 88-435-WF, 88-435-WG, 88-435-WH, 88-435-WI, 88-435-WJ, 88-435-WK, 88-435-WL, 88-435-WM, 88-435-WN, 88-435-WO, 88-435-WP, 88-435-WQ, 88-435-WR, 88-435-WS, 88-435-WT, 88-435-WU, 88-435-WV, 88-435-WX, 88-435-WY, 88-435-WZ, 88-435-XA, 88-435-XB, 88-435-XC, 88-435-XD, 88-435-XE, 88-435-XF, 88-435-XG, 88-435-XH, 88-435-XI, 88-435-XJ, 88-435-XK, 88-435-XL, 88-435-XM, 88-435-XN, 88-435-XO, 88-435-XP, 88-435-XQ, 88-435-XR, 88-435-XS, 88-435-XT, 88-435-XU, 88-435-XV, 88-435-XW, 88-435-XX, 88-435-XY, 88-435-XZ, 88-435-YA, 88-435-YB, 88-435-YC, 88-435-YD, 88-435-YE, 88-435-YF, 88-435-YG, 88-435-YH, 88-435-YI, 88-435-YJ, 88-435-YK, 88-435-YL, 88-435-YM, 88-435-YN, 88-435-YO, 88-435-YP, 88-435-YQ, 88-435-YR, 88-435-YS, 88-435-YT, 88-435-YU, 88-435-YV, 88-435-YW, 88-435-YX, 88-435-YY, 88-435-YZ, 88-435-ZA, 88-435-ZB, 88-435-ZC, 88-435-ZD, 88-435-ZE, 88-435-ZF, 88-435-ZG, 88-435-ZH, 88-435-ZI, 88-435-ZJ, 88-435-ZK, 88-435-ZL, 88-435-ZM, 88-435-ZN, 88-435-ZO, 88-435-ZP, 88-435-ZQ, 88-435-ZR, 88-435-ZS, 88-435-ZT, 88-435-ZU, 88-435-ZV, 88-435-ZW, 88-435-ZX, 88-435-ZY, 88-435-ZZ, 88-435-AA, 88-435-AB, 88-435-AC, 88-435-AD, 88-435-AE, 88-435-AF, 88-435-AG, 88-435-AH, 88-435-AI, 88-435-AJ, 88-435-AL, 88-435-AM, 88-435-AN, 88-435-AO, 88-435-AP, 88-435-AQ, 88-435-AR, 88-435-AS, 88-435-AT, 88-435-AU, 88-435-AV, 88-435-AW, 88-435-AX, 88-435-AY, 88-435-AZ, 88-435-BA, 88-435-BB, 88-435-BC, 88-435-BD, 88-435-BE, 88-435-BF, 88-435-BG, 88-435-BH, 88-435-BI, 88-435-BJ, 88-435-BL, 88-435-BM, 88-435-BN, 88-435-BO, 88-435-BP, 88-435-BQ, 88-435-BR, 88-435-BS, 88-435-BT, 88-435-BU, 88-435-BV, 88-435-BW, 88-435-BX, 88-435-BY, 88-435-BZ, 88-435-CA, 88-435-CB, 88-435-CC, 88-435-CD, 88-435-CE, 88-435-CF, 88-435-CG, 88-435-CH, 88-435-CI, 88-435-CJ, 88-435-CL, 88-435-CM, 88-435-CN, 88-435-CO, 88-435-CP, 88-435-CQ, 88-435-CR, 88-435-CS, 88-435-CT, 88-435-CU, 88-435-CV, 88-435-CW, 88-435-CX, 88-435-CY, 88-435-CZ, 88-435-DA, 88-435-DB, 88-435-DC, 88-435-DD, 88-435-DE, 88-435-DF, 88-435-DG, 88-435-DH, 88-435-DI, 88-435-DJ, 88-435-DL, 88-435-DM, 88-435-DN, 88-435-DO, 88-435-DP, 88-435-DQ, 88-435-DR, 88-435-DS, 88-435-DT, 88-435-DU, 88-435-DV, 88-435-DW, 88-435-DX, 88-435-DY, 88-435-DZ, 88-435-EA, 88-435-EB, 88-435-EC, 88-435-ED, 88-435-EE, 88-435-EF, 88-435-EG, 88-435-EH, 88-435-EI, 88-435-EJ, 88-435-EL, 88-435-EM, 88-435-EN, 88-435-EO, 88-435-EP, 88-435-EQ, 88-435-ER, 88-435-ES, 88-435-ET, 88-435-EU, 88-435-EV, 88-435-EW, 88-435-EX, 88-435-EY, 88-435-EZ, 88-435-FA, 88-435-FB, 88-435-FC, 88-435-FD, 88-435-FE, 88-435-FF, 88-435-FG, 88-435-FH, 88-435-FI, 88-435-FJ, 88-435-FL, 88-435-FM, 88-435-FN, 88-435-FO, 88-435-FP, 88-435-FQ, 88-435-FR, 88-435-FS, 88-435-FT, 88-435-FU, 88-435-FV, 88-435-FW, 88-435-FX, 88-435-FY, 88-435-FZ, 88-435-GA, 88-435-GB, 88-435-GC, 88-435-GD, 88-435-GE, 88-435-GF, 88-435-GG, 88-435-GH, 88-435-GI, 88-435-GJ, 88-435-GL, 88-435-GM, 88-435-GN, 88-435-GO, 88-435-GP, 88-435-GQ, 88-435-GR, 88-435-GS, 88-435-GT, 88-435-GU, 88-435-GV, 88-435-GW, 88-435-GX, 88-435-GY, 88-435-GZ, 88-435-HA, 88-435-HB, 88-435-HC, 88-435-HD, 88-435-HE, 88-435-HF, 88-435-HG, 88-435-HH, 88-435-HI, 88-435-HJ, 88-435-HK, 88-435-HL, 88-435-HM, 88-435-HN, 88-435-HO, 88-435-HP, 88-435-HQ, 88-435-HR, 88-435-HS, 88-435-HT, 88-435-HU, 88-435-HV, 88-435-HW, 88-435-HX, 88-435-HY, 88-435-HZ, 88-435-IA, 88-435-IB, 88-435-IC, 88-435-ID, 88-435-IE, 88-435-IF, 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88-435-PL, 88-435-PM, 88-435-PN, 88-435-PO, 88-435-PP, 88-435-PQ, 88-435-PR, 88-435-PS, 88-435-PT, 88-435-PU, 88-435-PV, 88-435-PW, 88-435-PX, 88-435-PY, 88-435-PZ, 88-435-QA, 88-435-QB, 88-435-QC, 88-435-QD, 88-435-QE, 88-435-QF, 88-435-QG, 88-435-QH, 88-435-QI, 88-435-QJ, 88-435-QL, 88-435-QM, 88-435-QN, 88-435-QO, 88-435-QP, 88-435-QQ, 88-435-QR, 88-435-QS, 88-435-QT, 88-435-QU, 88-435-QV, 88-435-QW, 88-435-QX, 88-435-QY, 88-435-QZ, 88-435-RA, 88-435-RB, 88-435-RC, 88-435-RD, 88-435-RE, 88-435-RF, 88-435-RG, 88-435-RH, 88-435-RI, 88-435-RJ, 88-435-RK, 88-435-RL, 88-435-RM, 88-435-RN, 88-435-RO, 88-435-RP, 88-435-RQ, 88-435-RR, 88-435-RS, 88-435-RT, 88-435-RU, 88-435-RV, 88-435-RW, 88-435-RX, 88-435-RY, 88-435-RZ, 88-435-SA, 88-435-SB, 88-435-SC, 88-435-SD, 88-435-SE, 88-435-SF, 88-435-SG, 88-435-SH, 88-435-SI, 88-435-SJ, 88-435-SK, 88-435-SL, 88-435-SM, 88-435-SN, 88-435-SO, 88-435-SP, 88-435-SQ, 88-435-SR, 88-435-SS, 88-435-ST, 88-435-SU, 88-435-SV, 88-435-SW, 88-435-SX, 88-435-SY, 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Maryland Department of Transportation  
State Highway Administration

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

February 3, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Att: James Dyer

Re: Baltimore County  
Zoning Meeting 2/2/88  
Tripec Associates  
Ltd. Partnership  
Club Centre  
S/W/S Reisterstown Road  
Maryland Route 140  
at Clovelly Road  
Item #257

Dear Mr. Haines:

After reviewing the submittal for a variance to permit 220 parking spaces in lieu of the required 249 spaces, the State Highway Administration-Bureau of Engineering Access Permits finds the concept site plan generally acceptable showing a reconstructed 35' entrance and the closure of Clovelly Road.

If you have any questions, please call Larry Brocato of this office.

Very truly yours,

*John J. Mills, Jr.*  
Creston J. Mills, Jr.  
Acting Chief-Bureau of  
Engineering Access Permits

LB/es

cc: J. Ogle  
Leo W. Rader

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

CLUB CENTRE PARKING SUMMARY  
(220 SPACES PROVIDED)

LAND USE	REQUIRED SPACES FOR INDIVIDUAL USE	WEEKDAY		WEEKEND		WEEKDAY		WEEKEND		WEEKDAY		WEEKEND	
		(6 AM - 6 PM)	(6 PM - MIDNIGHT)	(6 AM - 6 PM)	(6 PM - MIDNIGHT)	(6 AM - 6 PM)	(6 PM - MIDNIGHT)	(6 AM - 6 PM)	(6 PM - MIDNIGHT)	(6 AM - 6 PM)	(6 PM - MIDNIGHT)	(6 AM - 6 PM)	(6 PM - MIDNIGHT)
Metall (37,376 Sq. Ft.) 6.5 Spaces/1,000 Sq. Ft.	187	60%	112	90%	168	100%	187	70%	131	5%	9	5%	9
Restaurant (1,953 Sq. Ft.) 6.20 Spaces/1,000 Sq. Ft.	39	50%	20	100%	39	100%	39	100%	39	10%	4	10%	4
Medical Office (6,875 Sq. Ft.) 6.5 Spaces/1,000 Sq. Ft.	31	100%	31	10%	3	10%	3	5%	2	5%	2	5%	2
TOTAL REQUIRED SPACES	257		163		210		229		172		15		15
NUMBER OF SPACES (+) OR DEFICIENT (-) SPACES BASED ON 220 PROVIDED	249		457		410		-9		448		+205		+205

shk 2  
p. 11

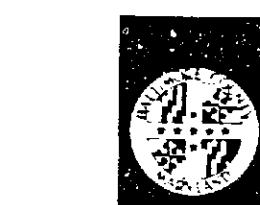
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Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

January 28, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Dennis F. Rasmussen  
County Executive

Re: Property Owner: Tripec Assoc. Ltd. Partnership

Location: E/S Bedford Avenue, 45.02' N. of c/1 Mc Henry Avenue

Item No.: 257

Zoning Agenda: Meeting of 2/2/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*  
Planning Group  
Special Inspection Division

Noted and  
Approved: \_\_\_\_\_

Fire Prevention Bureau

/j1

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
494-3354

February 18, 1988



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

Item No. 257 - 2AC -

Property Owner: Tripec Assoc. Ltd. Partnership

Location: ES Bedford Ave. 45.02' N of c/1 McHenry Ave.

Existing Zoning: EC-COC

Proposed Zoning: Variance to permit 220 parking spaces in lieu

Area: 3.95 acres (+ or -)

District: 3rd Election District

Please see the CRG Comments for this site.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

NSF/pml-b

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner  
P. David Fields  
FROM: Director of Planning and Zoning  
Zoning Petition Nos. 88-401-A,  
88-415-A, 88-418-A, 88-430-A,  
SUBJECT: 88-431-SCA, 88-432-A, 88-433-A

Date: April 1, 1988

There are no comprehensive planning factors requiring comment on this petition.

*P. David Fields per J. Howell*  
P. David Fields  
Director

PDF:GCH:dm

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

RECEIVED  
APR 6 1988

ZONING OFFICE

cc: John B. Howard, Esq.

CPS-008

DEPARTMENT OF TRAFFIC ENGINEERING  
BALTIMORE COUNTY, MARYLAND

TO : Mr. James Markle  
FROM : C. Richard Moore  
SUBJECT: C.R.G. Comments  
PROJECT NAME: Club Centre  
C.R.G. PLAN: X  
PROJECT NUMBER & DISTRICT: DEVELOPMENT PLAN:  
LOCATION: Bedford Ave.  
RECORD PLAT:

The following comments are offered:

1. Clovelly Road needs to be closed at Reisterstown Road to reduce the number of access points to Reisterstown Rd.
2. Loading for stores needs to be from behind the buildings (what is now Clovelly Road).
3. The plan needs to show possible future location of pedestrian bridges on both Bedford Ave. and McHenry Ave.
4. Access to Reisterstown Rd. is subject to SHA approval.
5. A 400' sight line to the west needs to be shown for the access to McHenry Ave. The sight line is to be measured from 10 feet behind the edge of the pavement of McHenry Ave. at the centerline of the access to the center line of the nearest approach lane.
6. Sight line area must be kept free of any obstructions.

The plan needs to show future use-in-common access to the south on Reisterstown Rd. with parking located in front of the buildings.

*C. Richard Moore*  
C. Richard Moore  
Deputy Director  
Department of Traffic Engineering

CRM:GMJ:lt

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CYNTHIA M. HAHN

(301) 494-9162

May 22, 1988

Hand Delivery

Ann Nastarowicz,  
Deputy Zoning Commissioner  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Zoning Case No.: 88-435-A  
Tripec Associates Limited Partnership, Petitioner

Dear Ms. Nastarowicz:

I received on Friday, May 20, 1988, a copy of correspondence and affidavit of Jeffrey Levin. As an attorney himself, Mr. Levin knows the use of the word "shall" throughout Rule 8 indicates that compliance with each of the sections is mandatory and therefore, I find the affidavit deficient in almost all respects. However, I will renew my Motion to Strike Mr. Levin's testimony based on only major departures from the requirements of this Rule.

First, the fact that Mr. Levin may have been permitted to testify on behalf of the P.C.G.C. under Rule 8 in the past and in a different case, does not authorize Mr. Levin to testify at this time and in this case. Rule 8(c) states that Mr. Levin must present a resolution in duplicate, at or prior to the hearing, adopted by the association at its annual meeting or first meeting of each year, signed by the President and attested by the Secretary providing that the responsibility for review and action on all zoning matters be placed on its Board of Directors or a duly elected Zoning Committee. Clearly, the cited portion of P.C.G.C.'s By-Laws does not contemplate the Executive Committee taking a final position on behalf of the P.C.G.C. in this zoning case. If the Executive Committee did have that power, why must actions be submitted to the Board of Directors at their next meeting? (Also, for the record I note that the entire set of By-Laws was not included with the affidavit).

RECEIVED ZONING OFFICE

DATE: 5/23/88

Ann Nastarowicz,  
Deputy Zoning Commissioner  
May 23, 1988  
Page 2

Second, at page 2 of Mr. Levin's affidavit he states that the Executive Committee's policy will be considered by the Board of Directors on June 1, 1988. This case was scheduled for quite some time and Mr. Levin had ample opportunity to obtain the appropriate authorizations from the association at its annual meeting on May 4, 1988 and a resolution stating the position of the association, adopted by the Board of Directors or Zoning Committee. [See Rule 8(e)]

Last, my client has informed me that the Zoning and Development Committee of the P.C.G.C. voted to support this request for variance, thereby making adherence to Rule 8 essential to determining the true position of this Association.

Obviously, Mr. Levin has submitted this deficient affidavit in hopes of imposing his policies in lieu of the duly authorized position of the P.C.G.C.'s governing Board of Directors, of which my client is a member. I must, therefore, strenuously renew my objection to the admission of any testimony by Mr. Levin or any testimony elicited by Mr. Levin's questions of Petitioner's witnesses. Moreover, I would object to any request that a decision in this matter be delayed pending a decision of the Board of Directors of P.C.G.C.

Thank you for your time and consideration in this matter.

Yours truly,

*Robert W. Hoffman*  
Robert W. Hoffman

RAH:bw

cc: Jeffrey Levin, Esquire



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H. BARRITT PETERSON, JR.  
KATHRYN L. KOTZ  
JAMES K. MACALISTER  
REGAN J. R. SMITH  
JAMES D. C. DOWNES  
(1908-1979)

June 6, 1988

Hand Delivery

Ann Nastarowicz  
Deputy Zoning Commissioner  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Tripec Associates Limited Partnership  
Case No.: 88-435-A

Dear Ms. Nastarowicz:

This letter will confirm that Jeffrey Levin, President of the Pikesville Community Group Corporation, and I, as attorney for the Petitioner, are requesting that an Order in connection with the above-referenced case not be issued for approximately two weeks from the date of this letter.

Thank you for your consideration.

Very truly yours,  
*Robert Hoffman*  
Robert Hoffman

RAH:bw  
cc: Jeffrey Levin, Esquire

RECEIVED ZONING OFFICE  
DATE: 6-30-88

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TELECOPIER  
(301) 823-0147  
DIRECT DIAL NUMBER  
(301) 494-9162

June 30, 1988

JUDITH A. ARNOLD  
DERORAH C. DOPPIN  
KATHLEEN GALLOGLY COX  
KEVIN H. SMITH  
J. MICHAEL BISHMAN  
H. BARRITT PETERSON, JR.  
KATHRYN L. KOTZ  
JAMES K. MACALISTER  
REGAN J. R. SMITH  
JAMES D. C. DOWNES  
(1908-1979)

Ann Nastarowicz,  
Deputy Zoning Commissioner  
Baltimore County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Zoning Case No. 88-435-A  
Tripec Associates Limited Partnership, Petitioner

Dear Ms. Nastarowicz:

On June 6, 1988 Jeffrey Levin, President of the Pikesville Community Growth Corporation and I requested you postpone the Order in the above-referenced case, so that discussions could continue between the Petitioner and PCGC.

I am pleased to enclose a copy of an agreement reached between the Pikesville Community Growth Corporation and Tripec Associates Limited Partnership and it is my understanding that the PCGC no longer objects to the granting of the subject variance.

Therefore, I would ask that you please issue an Order in this case at your earliest convenience.

Thank you for your patience and consideration.

Yours truly,  
*Robert Hoffman*  
Robert Hoffman

RAH:bw  
cc: Jeffrey Levin, Esquire

RECEIVED ZONING OFFICE  
DATE: 6-30-88

PIKESVILLE  
Community Growth Corp.

3655-A  
Old Court Road  
Suite 15  
Pikesville, MD 21208

Telephone  
(301) 484-2310

June 30, 1988

Ms. Ann Nastarowicz  
Deputy Zoning Commissioner  
111 W. Chesapeake Avenue  
Towson, MD. 21204

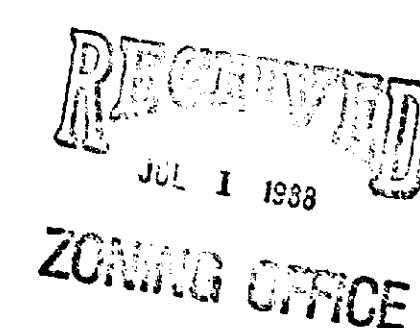
Dear Ms. Nastarowicz:

Enclosed is a copy of the agreement between TRIPEC and PCGC dated June 29, 1988. As you will see it applies to the parking variance request concerning Club Centre pending before you. If you find that the agreement has merit, the parties to it hereby request that it be appended to your decision.

If you have any questions please do not hesitate to call.

Sincerely,  
*Jeffrey Levin*  
Jeffrey Levin, President  
Pikesville Community  
Growth Corporation

JL/ff  
enclosure  
cc: Robert Hoffman, Esq.



AGREEMENT

This Agreement, entered into this 29th day of June, 1988, by and between the PIKESVILLE COMMUNITY GROWTH CORPORATION, hereinafter referred to as "PCGC," and TRIPEC ASSOCIATES LIMITED PARTNERSHIP, hereinafter referred to as "TRIPEC."

WITNESSETH:

WHEREAS, PCGC is concerned with the proper growth and planned development of the community known as Pikesville, Maryland; and,

WHEREAS, TRIPEC wishes the public support of PCGC in its efforts to obtain a zoning variance for property in the Pikesville community; and

WHEREAS, PCGC and TRIPEC are desirous of avoiding public dispute between them as to the nature and effect of the development of the aforementioned property upon the Pikesville community, and for other good and valuable consideration;

NOW, THEREFORE, the parties hereto agree as follows:

1. The proposed development must contain a minimum of one hundred (100) parking spaces.
2. TRIPEC agrees that in the event of construction of a public parking facility within one thousand (1,000) feet of the subject property, which is known as "Club Centre," it will lease a number of spaces in the public parking facility equal to those needed to meet Baltimore County Code requirements, if PCGC's engineer finds a shortage of parking exists on the proposed project, according to the method and standards set forth below.
3. Inspections shall be made by a Traffic Engineer or Civil Engineer approved by PCGC and TRIPEC.
4. Three (3) studies shall be conducted at the expense of TRIPEC:
  - a) The first study shall be conducted when the public parking facility is committed;
  - b) The second study shall be conducted within seven (7) years of the opening of the public parking facility. PCGC, in its sole discretion, shall determine the timing of said third study.
  - c) Each study shall consist of one-hour periods on each of three (3) days chosen solely at the discretion of PCGC.

5. If, as a result of any two (2) of the three (3) periods within any study, it is determined that there exists a ninety-five percent (95%) or higher utilization of the total parking lot capacity, then, in that event, TRIPEC shall immediately be required to lease that number of parking spaces in the parking facility necessary to bring the subject development up to Baltimore County Code parking requirements.

6. TRIPEC shall not be notified in advance of the actual study dates or times. Studies shall not occur during inclement weather or on holidays or the day before holidays.

7. This Agreement between PCGC and TRIPEC shall be subject to binding arbitration under the rules of the American Arbitration Association. All arbitration fees, attorneys' fees, court costs and other costs and expenses incurred by PCGC in order to enforce any and all provisions of this Agreement shall be paid by TRIPEC.

8. This Agreement may not be altered, amended or terminated orally. Any modifications to this Agreement must be made in writing and executed by all parties to this Agreement. The terms and conditions shall be binding upon and shall inure to the benefit of the heirs, assigns and successors of the respective parties. All understandings and agreements heretofore had by and between the parties hereto are merged into this Agreement, which alone fully and completely expresses their agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

WITNESS/ATTEST:

PIKESVILLE COMMUNITY GROWTH CORP.

By: *Robert Hoffman* (SEAL)  
President

TRIPEC ASSOCIATES LIMITED PARTNERSHIP

By: *Ann Nastarowicz* (SEAL)  
Authorized Agent

PIKESVILLE  
Community Growth Corp.

3655-A  
Old Court Road  
Suite 15  
Pikesville, MD 21208

Telephone  
(301) 484-2310

May 19, 1988

Ms. Ann Nastarowicz  
Deputy Zoning Commissioner  
111 W. Chesapeake Avenue  
Towson, MD. 21204

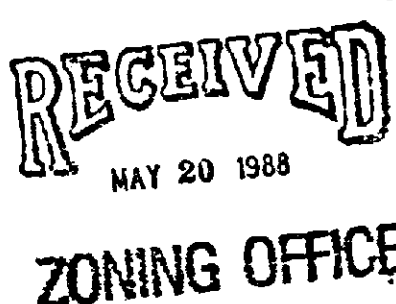
Re: Club Centre Parking Variance

Dear Ms. Nastarowicz:

Enclosed are two copies of my affidavit, signed also by the Secretary of Pikesville Community Growth Corporation Sheldon Shugerman. If you need any further information or any additional documents, please call.

Sincerely,  
*Jeffrey Levin*  
Jeffrey Levin, President  
Pikesville Community  
Growth Corporation

JL/ff  
enclosure  
cc: Robert Hoffman, Esq.



Affidavit of Jeffrey Levin

Jeffrey Levin, being duly sworn, deposes and says:

1. The Pikesville Community Growth Corporation (PCGC) consists of thirteen (13) neighborhood associations, the Pikesville Senior Center and the Pikesville Chamber of Commerce.

2. I am the President of the PCGC and have been since May 8, 1985. Prior to that, I have served continuously as a Board Member since 1979, and as an Executive Committee Member since at least May, 1983, in the capacity of vice-president (1983-1985). In these capacities, I have been authorized, and continue to be authorized, to testify on behalf of PCGC with respect to zoning and other issues. Furthermore, my testimony on behalf of PCGC has been accepted previously under Rule 8 after substantial challenge at a Board of Appeals hearing.

3. PCGC's Executive Committee voted on May 4, 1988 to uphold its policy to support conditionally requests for parking variances in the Pikesville Revitalization area section identified in the Pikesville Revitalization Plan as "the Core." The Core is roughly an area between Old Court Road, Sudbrook Lane, and Bedford Avenue on both sides of Reisterstown Road. The condition of said support is that the developer agree that at such time that there may be a Revenue Authority lot within the appropriate walking distance -- as defined by the Baltimore County Code and Regulations -- it will either lease enough parking spaces from the Revenue Authority lot to bring its project to code or provide them elsewhere. Moreover, PCGC's Executive Committee authorized me or our Executive Director to present this position at the variance hearing on May 17, 1988.

4. Pursuant to PCGC's By-Laws, The Executive Committee shall be composed of each of the officers and the past presidents, and shall transact all business for the Corporation between meetings of the Board of Directors. Actions taken by the Executive Committee shall be reported to the next meeting of the Board of Directors. PCGC By-Laws, Article VA, Section 1.

Page 2

Pursuant to PCGC's By-Laws, the Executive Committee placed its decision to uphold the aforementioned core area parking variance policy on the agenda at the next regularly scheduled PCGC Board of Directors meeting, set for June 1, 1988.

Witness  
Sheldon Shugerman,  
Secretary, PCGC

Witness  
Jeffrey Levin,  
President, PCGC

*Sworn and Subscribed  
this 16th day of May 1988  
before me  
Julius Carl Rhodes  
Baltimore County  
Commissioner of the Peace  
July 7, 1988*



BY-LAWS  
OF THE

PIKESVILLE COMMUNITY GROWTH CORPORATION

ARTICLE I  
GENERAL MATTERS

Section 1. **CORPORATE BOUNDARIES.** The area of the Corporation's activities and jurisdiction is the area of Baltimore County outlined on the map displayed in the office of the Corporation. The Corporation may change its boundaries from time to time by the vote of the Board of Directors, and in such event, a new map reflecting the changed boundaries shall be prepared and displayed in the office of the Corporation.

Section 2. **OFFICES.** The principal office and any additional offices of the corporation in the State of Maryland shall be located within the corporate boundaries at such address or addresses as shall be designated by the Board of Directors.

Section 3. **ADDITIONAL OFFICES.** The Corporation may have additional offices at such places as the Board of Directors may from time to time determine.

ARTICLE II

ARTICLE II - MEMBERS

Section 3. **Member Representatives.** As currently written are enclosed

Revision will read:

Section 3. **Member Representatives.** The Members shall designate representatives to vote in their behalf at all meetings provided for under this Article. Each Member, except the Chamber, shall designate one (1) such representative, and shall also designate an alternate to serve as its representative if its regular representative cannot be present. The Chamber shall designate that number of representatives which is equal to the total number of representatives designated by the other Members and shall designate an identical number of alternates, provided that all of said Chamber representatives must be engaged in commercial activity within the Pikesville Revitalization District/Town Center and be interested in the civic and economic well being of said Revitalization District/Town Center and desire to preserve, promote and effectuate the Pikesville Revitalization Plan. Each representative and alternate must be a member of the Member organization which designated him. Only persons designated to the Board of Directors in writing as representatives or alternates shall be entitled to vote. The Members can change their designations from time to time in writing, but no such change shall be effective with respect to a particular meeting of Members unless made at least three (3) days before such meeting. The Members shall be bound by votes cast by their respective representatives or alternates.



PIKESVILLE  
Community Growth

3655-A  
Old Court Road  
Suite 15  
Pikesville, MD 21208

Telephone  
(301) 434-2310

RECEIVED ZONING OFFICE  
DATE: 5/24/88

May 25, 1988

Ms. Ann Nastarowicz  
Deputy Zoning Commissioner  
111 W. Chesapeake Avenue  
Towson, Md. 21204

Re: Zoning Case 88-435-A  
Tri-Pec Limited Partnership  
Petitioner

Dear Ms. Nastarowicz:

With respect to Mr. Hoffman's letter to you dated May 23, 1988, which I received at my home yesterday, two points stand out:

1. Mr. Hoffman is attempting without sworn testimony and cross examination to place new evidence on the record;
2. Mr. Hoffman is making a personal attack against me.

With respect to Number One, the allegations concerning how our Development Committee voted should have been made at the hearing. If they had, Mr. Hoffman would not have been happy with the facts that would have been brought out. Likewise, Mr. Hoffman would not have liked the answer to a question concerning the plausibility of considering his client's issue at PCGC's annual meeting. If Mr. Hoffman has additional evidence, he should request that the record be reopened to permit sworn testimony and not attempt to introduce unsubstantiated allegations.

With respect to Number 2, I can only repeat what I stated in my testimony and affidavit, (which was signed by the Secretary of PCGC's Board), that the position I put forward is the position of PCGC -- as the presiding officer of the

Page 2

Executive Committee, I did not even cast a vote on the matter.

Finally, although we contend that we have complied with Rule 8 and are accurately presenting PCGC's position, we submit that Rule 8 on its face applies to Board of Appeals proceedings only. Consequently, we submit that it is not properly invoked in a hearing before the Zoning Commissioner.

On the one hand, Mr. Hoffman is saying that I didn't speak for PCGC, but on the other hand he is saying that he doesn't want to know what the PCGC Board might do on June 1st. What he desperately wants to avoid is an analysis of the merits of PCGC's position. Such an examination would establish the wisdom of sticking to code requirements in Pikesville's core revitalization area. PCGC's willingness to accept temporary deviations from code balances a developer's present need with our vision of Pikesville's future that includes substantial additional core area commercial development requiring adequate parking to succeed.

Sincerely,

Jeffrey Levin  
President

JL/ff

enclosure

cc: Robert A. Hoffman, Esq.

P.S. Since Mr. Hoffman has questioned my not including the PCGC By-Laws with my affidavit, I am including a copy herewith.

MICKEY A. CORNELIUS  
TRAFFIC ENGINEER

Mickey Cornelius has over six years experience in the Highway Transportation and Traffic Engineering profession. He has served as a consulting traffic engineer for more than four years. His experience in both the public and private sectors has provided Mr. Cornelius with a broad range of knowledge.

Mr. Cornelius has conducted numerous Traffic Impact Studies throughout the Baltimore-Washington Metropolitan area, from small residential subdivisions to multi-million square foot, mixed use developments. He has served as a Transportation Planner for the development of Master Plans for both private firms and government agencies. Traffic signal warrant studies, traffic signal design, and traffic control plans are examples of the types of projects Mr. Cornelius has undertaken while practicing as a consulting traffic engineer.

Mr. Cornelius' educational background and subsequent responsibilities have qualified him as an expert in the field of traffic engineering.

Job History

1984 to Present  
Traffic Engineering Consultant

1982 - 1984  
Civil Engineer, Highway Construction  
S. J. Groves and Sons Co.

Educational Background

B.S. in Civil Engineering with  
emphasis in Transportation -  
The Pennsylvania State University

Traffic Engineering Courses:  
Northwestern University Traffic  
Institute  
Polytechnic Institute  
of New York

Affiliations

Institute of Transportation  
Engineers (I.T.E.)  
Registered Engineer-In-  
Training (E.I.T.)

Places Where Mr. Cornelius Has Qualified as an Expert Witness

Board of Appeals - Montgomery County  
Zoning Hearing Examiner - Montgomery County  
Planning Board - Montgomery County  
Zoning Commissioner - Baltimore County  
County Review Group (CRG) - Baltimore County

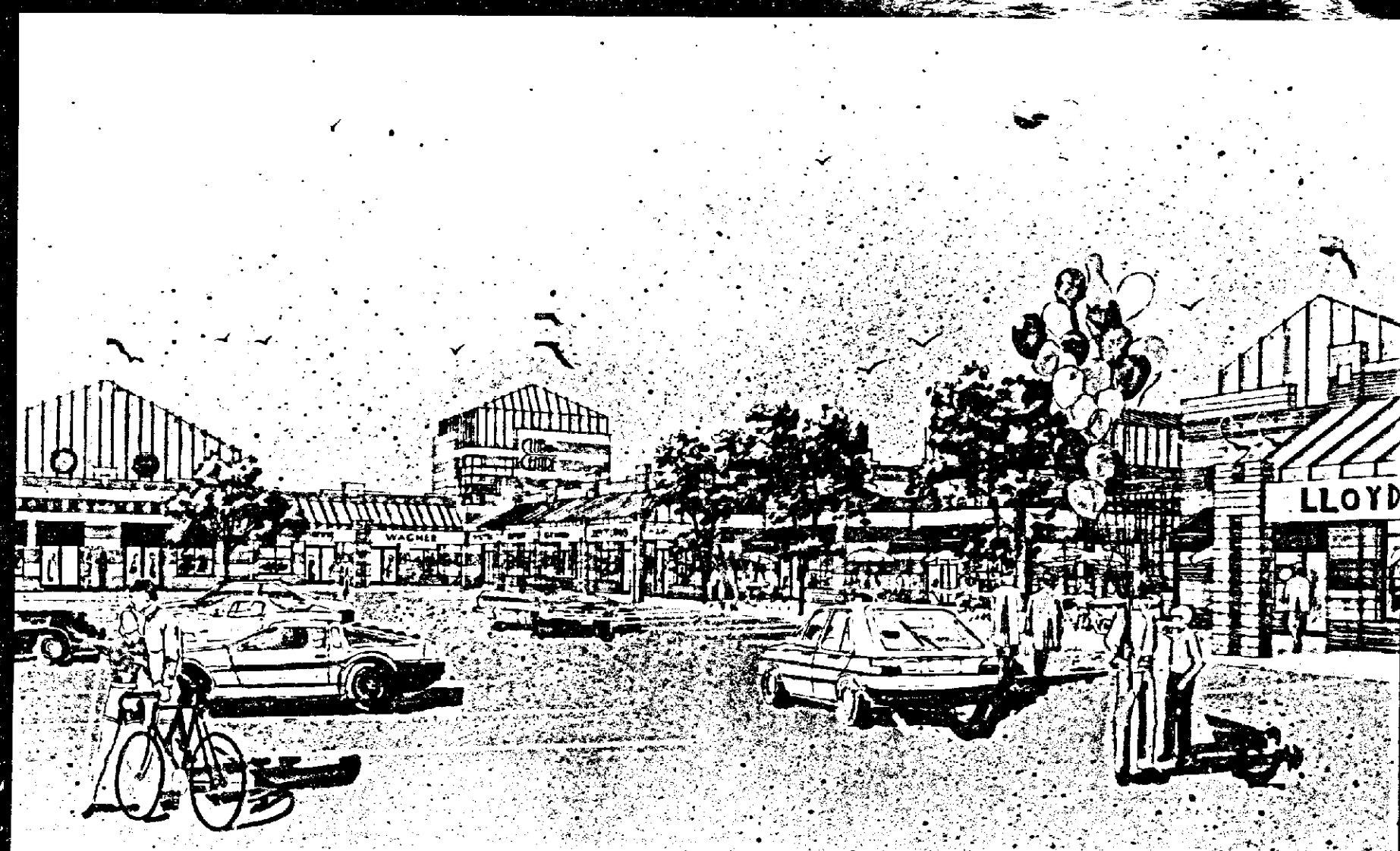
Board of Appeals - Baltimore County  
Board of Appeals - Anne Arundel County  
Zoning Hearing Examiner - Anne Arundel County  
Planning Board - Prince Georges County

414 E. Joppa Road  
Towson, Maryland 21204  
(301) 583-8405

THE TRAFFIC GROUP, INC.

QUALIFICATIONS  
Mickey A. Cornelius

CLUB CENTRE



JHP DEVELOPMENT INC.

CLUB CENTRE PARKING SUMMARY  
(220 SPACES PROVIDED)

REQUIRED SPACES BASED ON BALTIMORE COUNTY SHARED PARKING GUIDELINES

LAND USE	REQUIRED SPACES FOR INDIVIDUAL USES	WEEKDAY		WEEKEND		DAYTIME		EVENING		NIGHTTIME	
		(6 AM - 6 PM)		(6 PM - MIDNIGHT)		(6 AM - 6 PM)		(6 PM - MIDNIGHT)		(MIDNIGHT - 6 AM)	
		PERCENT OF MAXIMUM REQUIRED SPACES	NUMBER OF SPACES	PERCENT OF MAXIMUM REQUIRED SPACES	NUMBER OF SPACES	PERCENT OF MAXIMUM REQUIRED SPACES	NUMBER OF SPACES	PERCENT OF MAXIMUM REQUIRED SPACES	NUMBER OF SPACES	PERCENT OF MAXIMUM REQUIRED SPACES	NUMBER OF SPACES
Retail (37,376 Sq. Ft.) @ 5 Spaces/1,000 Sq. Ft.	187	60%	112	90%	168	100%	187	70%	131	5%	9
Restaurant (1,953 Sq. Ft.) @ 20 Spaces/1,000 Sq. Ft.	39	50%	20	100%	39	100%	39	100%	39	10%	4
Medical Office (6,875 Sq. Ft.) @ 4.5 Spaces/1,000 Sq. Ft.	31	100%	31	10%	3	10%	3	5%	2	5%	2
TOTAL REQUIRED SPACES	257		163		210		229		172		15
NUMBER OF SURPLUS (+) OR DEFICIENT (-) SPACES BASED ON 220 PROVIDED			+57		+10		-9		+48		+205

PETITIONER'S  
EXHIBIT 3



